

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

DECLARATION OF SHERYL DE LUCA

I, Sheryl L. De Luca, declare as follows:

1. I am a member of Nixon & Vanderhye P.C. and a member of the Commonwealth of Virginia. I make this declaration based on personal knowledge as to the matters set forth below, in support of the Opposition of Bach Flower Remedies Limited (hereinafter "Opposer") to the Summary Judgment Motion of Applicant, Absolutely Natural, Inc. in this proceeding.

2. On June 8, 2012, I compiled a list of list of policing actions by Opposer against other RESCUE marks at the USPTO Trademark Trial and Appeal Board using the USPTO TTABVUE Inquiry System. A true copy of this list is attached at **Tab A**. On June 8, 2012, I also printed records from the USPTO TTABVUE database concerning certain of these policing actions. True copies of these printouts are attached at **Tab B**.

3. I reviewed Exhibit Nos. 100-147 from Applicant's Motion for Summary Judgment and have composed the following list of exhibit numbers for registrations that

do not appear to be relevant to Opposer's RESCUE goods, because they do not appear to cover "skin creams, moisturizers and cleansers" that are related to Opposer's goods.

I believe the Class 3 goods of the registrations of the following exhibits cover goods that are dissimilar or significantly different from Opposer's RESCUE goods:

- Ex. 125 for Reg. No. 3,412,863 for DEEP RESCUE for "hair care and styling preparations";
- Ex. 126 for Reg. No. 3,493,900 for CURL RESCUE for "hair care and styling preparations";
- Ex. 127 for COLOR RESCUE for Reg. No. 3,480,724 for "hair care preparations";
- Ex. 128 for 100% RESCUE for Reg. No. 3,320,962 for "hair styling preparations; non-medicated hair care preparations";
- Ex. 129 for RESCUE BEAUTY LOUNGE for Reg. No. 3,313,792 for "pre-moistened cosmetic wipes; lip gloss; nail polish; nail polish remover wipes; make-up remover wipes";
- Ex. 130 for Reg. No. 2,837,415 for RESCUE FORCE for "hair mask";
- Ex. 131 for Reg. No. 3,773,547 for ROOT RESCUE for "hair color";
- Ex. 132 for Reg. No. 3,061,092 for UV RESCUE for "hair care products, namely, shampoo, conditioner, hair moisturizer, hair cream, leave-in hair protector, and hair treatment preparation;
- Ex. 134 for Reg. No. 2,754,427 for HYDRA RESCUE for "nail care preparations";
- Ex. 135 for Reg. No. 3,935,037 for NATURE'S RESCUE for "hair care preparations";
- Ex. 136 for Reg. No. 3,365,277 for FASHION RESCUE for "adhesives for cosmetic use";
- Ex. 137 for Reg. No. 3,524,975 for EARTH RESCUE for "All purpose cleaning preparations; Automotive cleaning preparations; Carpet cleaning preparations; Cleaning preparations for household purposes; Cleaning preparations for domestic purposes, automobiles, boats; De-greasing preparations for household purposes; Decalcifying and descaling preparations for cleaning household products; Degreasing preparations for domestic use, automobiles, boats; General purpose cleaning, polishing, and abrasive liquids and powders; Glass cleaning preparations; Household cleaning preparations; Pet shampoo; Preparations for cleaning, protecting and preserving vehicle surfaces; Rust removing preparations; Soaps; Polishing preparations; Scouring liquids; Scouring powders; Automatic dishwashing detergents; Detergent soap; Detergents for automobiles; Detergents for machine dishwashing; Dish detergents; Dishwasher detergents; Dishwashing detergents; Germicidal detergents; Laundry detergent; Soaps and detergents; Toilet bowl detergents; Pet odor removers; Pet stain removers; Stain removers; Essential oils; Essential oils as perfume for laundry purposes; Essential oils for household use; Carpet cleaners; Carpet cleaners with deodorizer; Oven cleaners; Windshield cleaner fluids";

- Ex. 138 for Reg. No. 3,616,603 for BOAT RESCUE for "All purpose cleaning preparations; Automotive cleaning preparations; Cleaning preparations for watercraft, parts and fittings therefor; Degreasing preparations for watercraft, parts and fittings therefor; General purpose cleaning, polishing, and abrasive liquids and powders; Glass cleaning preparations; Soaps; Chrome polish; Polishing preparations; Preparations for cleaning, protecting and preserving vehicle surfaces; Rust removing preparations; Automobile wax; Wood conditioner, brightener and renewer";
- Ex. 139 for Reg. No. 3,616,604 for CAR RESCUE for "All purpose cleaning preparations; Automotive cleaning preparations; General purpose cleaning, polishing, and abrasive liquids and powders; Glass cleaning preparations; Soaps; Chrome polish; Polishing preparations; Preparations for cleaning, protecting and preserving vehicle surfaces; Rust removing preparations; Automobile wax; Automobile cleaners; Automobile polish; Automobile polishes; Cleaning preparations for automobiles and parts and fittings therefor; Detergents for automobiles; Degreasing preparations for automobiles and parts and fittings therefor; Treatment preparations for use on vehicle wheels and wheel covers; Windshield washing fluid; Glass cleaners; Upholstery cleaners";
- Ex. 140 for Reg. No. 2,625,822 for NAIL RESCUE for "nail care preparations";
- Ex. 141 for Reg. No. 2,635,699 for RESCUE for "Color removing preparations for laundry use; color brightening preparations for laundry use; laundry detergents, namely, stain removing preparations; laundry preparations, namely, washing powders and washing liquids for laundry use, fabric conditioners and softeners";
- Ex. 143 for Reg. No. 3,042,654 for URINE RESCUE for "floor and carpet cleaning preparations";
- Ex. 144 for Reg. no. 3,616,607 for GARDEN RESCUE for "All-purpose cleaners; Cleaner for use on outdoor surfaces; Glass cleaners; Cleaning and shining preparations for plant leaves; Rust removing preparations; Degreasing preparations for outdoor surfaces; Cleaning preparations for outdoor use; General purpose cleaning, polishing, and abrasive liquids and powders";
- Ex. 145 for "All purpose cleaning preparations; Cleaning preparations for swimming pools";
- Ex. 146 for Reg. No. 3,616,606 for POOL RESCUE for "All purpose cleaning preparations; Soaps; Deodorizers for pets; Non-medicated grooming preparations for animals, namely, domestic animals; Pet odor removers; Pet shampoo; Pet stain removers; Cleaning preparations for household purposes"; and
- Ex. 147 for Reg. No. 3,616,604 for PET RESCUE for "Disinfectant soaps; Germicidal detergents; Laundry detergent; Detergent soap; All-purpose cleaners; Cleaning compositions for use on floors, walls, tubs, showers, furniture, equipment, pool and spa walls, concrete, kitchen counters and surfaces, cabinets, fabrics, clothes, HVAC equipment and ducting; Biotechnological chemical and spray cleaners for industrial and household applications such as stain removal, odor elimination, and bioremediation of many types of organic and hydrocarbon-based materials; Hand cleaners; Disposable wipes impregnated with chemicals or compounds for personal use; Disposable wipes impregnated

with cleansing compounds for use on floors, walls, tubs, showers, furniture, equipment, pool and spa walls, concrete, kitchen counters and surfaces, cabinets, fabrics, clothes, HVAC equipment and ducting”

4. I have reviewed the Declaration of James C. Wray and Exhibits 1001-1057 attached thereto. Many of the exhibits are not properly authenticated and/or are irrelevant to Opposer's RESCUE goods because they show goods that are very different from those of Opposer's RESCUE goods; the mark shown on the goods includes prominent use of other terms; the photos in the exhibits are illegible and do not provide a sufficient opportunity to determine how any alleged use is made; and/or the exhibits do not have sufficient identification of source, i.e., they contain an incomplete URL and there is no testimony regarding their URLs.

5. The chart below summarizes the inadequacies of the Wray exhibits.

Exhibit No.	Reason for Insufficiency or Irrelevance
1001	“LAB Series” is prominent – marks dissimilar; lacks source (incomplete URL)
1002	“LAB Series” is prominent – marks dissimilar; lacks source (incomplete URL)
1003	“LAB Series” is prominent – marks dissimilar; lacks source (incomplete URL)
1004	Picture illegible; hair root coloring – goods dissimilar; lacks source (incomplete URL)
1005	Picture illegible; “Botanics” is prominent on label – marks dissimilar; lacks source (incomplete URL)
1006	Picture illegible; baby rash cream – goods dissimilar; lacks source (incomplete URL)
1007	Picture illegible; acne cream – goods dissimilar; “Natrاليا” is prominent – marks dissimilar; lacks source (incomplete URL)
1008	Picture illegible; “Skin” mark prominent – marks dissimilar; lacks source (incomplete URL)
1009	“Garnier Nutritioniste” is prominent – marks dissimilar; lacks source (incomplete URL)
1010	Picture illegible; “Profoot Care Heel” and “Superior Moisturizing Foot Cream” are prominent – marks dissimilar; lacks source (incomplete URL)
1011	Picture illegible; description shows prominent use of “Rimmel

	Moisture Renew Cream Lipgloss” – “Purple Rescue” only used as the name of a lipgloss color – marks dissimilar; lacks source (incomplete URL)
1012	Picture illegible; uses ResQ – different spelling of RESCUE, and “Alpha Hydrox” prominent – marks dissimilar
1013	Picture illegible; “Vaseline logo” very prominent – marks dissimilar; lacks source (incomplete URL)
1014	Picture illegible; “Vaseline logo” very prominent – marks dissimilar
1015	Picture illegible; “magic” prominent – marks dissimilar; shaving cream – goods dissimilar; lacks source (incomplete URL)
1016	These are Opposer’s marks and products
1017	Picture illegible; Natralia and “acne” prominent – marks dissimilar; acne cream – goods dissimilar; lacks source (incomplete URL)
1018	Picture illegible; “MenScience” prominent – marks dissimilar; eye cream – goods dissimilar; lacks source (incomplete URL)
1019	Picture illegible; “Under Eye” prominent – marks dissimilar; eye cream – goods dissimilar
1020	Picture illegible; “DERMagic Skin” prominent – marks dissimilar; lacks source (incomplete URL)
1021	Picture illegible; “Clinique” prominent – marks dissimilar; lacks source (incomplete URL)
1022	Picture illegible; “Clinique” prominent – marks dissimilar; lacks source (incomplete URL)
1023	Picture illegible; “Vaseline” prominent – marks dissimilar; lacks source (incomplete URL)
1024	“DERMAdoctor” and “wrinkle REVENGE” prominent – marks dissimilar; lacks source (incomplete URL)
1025	Picture illegible; “Peaceful Mountain Hot Flash” prominent – marks dissimilar; hormonal product related to use with menopause – goods dissimilar; lacks source (incomplete URL)
1026	Picture illegible; “Garnier” prominent – marks dissimilar; lacks source (incomplete URL)
1027	Picture illegible; “Life Extension” and “Under Eye” prominent – mark dissimilar; eye cream – goods dissimilar; lacks source (incomplete URL)
1028	Pictures illegible; nutritional supplements – goods dissimilar
1029	Picture and page illegible; “Gold” is prominent – marks dissimilar; lacks source (incomplete URL)
1030	Picture illegible; “Bee” and “Propolis” prominent, and uses Rescued (with a “d” at the end) – marks dissimilar; lacks source (incomplete URL)
1031	“Bee”, “Propolis,” picture of “bee” are prominent, and uses Rescued (with a “d” at the end) – marks dissimilar; lacks source (incomplete URL)
1032	Picture illegible; lacks source (incomplete URL)
1033	Picture illegible; “Lab Series” prominent – marks dissimilar

1034	Picture illegible; "Redken" prominent – marks dissimilar; conditioner for hair – goods dissimilar
1035	"Redken" prominent – marks dissimilar; conditioner for hair – goods dissimilar
1036	Picture illegible; "Redken" prominent – marks dissimilar; shampoo for hair – goods dissimilar
1037	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; shampoo for hair – goods dissimilar
1038	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; treatment for hair – goods dissimilar
1039	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; treatment for hair – goods dissimilar
1040	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; conditioner for hair – goods dissimilar
1041	Picture illegible; "J Beverly Hills" prominent – marks dissimilar; hair treatment – goods dissimilar
1042	Picture illegible; "Essential," "Immediate" and "Ultima" prominent – marks dissimilar
1043	Picture illegible; "KMS" prominent – marks dissimilar; hair product – goods dissimilar
1044	Picture illegible; "O Mega Wonder-Full" and "Mama Mio" prominent – marks dissimilar
1045	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; hair treatment – goods dissimilar
1046	Picture illegible; "Hydrate Desert Bloom" and "Molton Brown" prominent – marks dissimilar
1047	Picture illegible; GHD prominent – marks dissimilar; hair treatment – goods dissimilar
1048	Picture illegible; "Murad" prominent – marks dissimilar
1049	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; conditioner for hair – goods dissimilar
1050	Picture illegible; "Valmont," "Hydrate Desert Bloom" and "Molton Brown" prominent – marks dissimilar
1051	Picture illegible; "Mayday Mayday" and "Ren" prominent – marks dissimilar
1052	Picture illegible; "Action" and "Anthony" prominent – marks dissimilar
1053	Picture illegible; "Molton Brown" prominent – marks dissimilar
1054	Picture illegible; "CosMedix" prominent – marks dissimilar
1055	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; shampoo – goods dissimilar
1056	Picture illegible; "Menscience" prominent – marks dissimilar
1057	Picture illegible; "BC" and "Schwarzkopf" prominent – marks dissimilar; conditioner for hair – goods dissimilar

6. I have reviewed the Exhibits attached to the Declaration of Jessica Bouwsma. I note that 1058-1, 1058-2 and 1058-3 include numerous products that are not "skin lotion and cream products", such as, the products of J Beverly Hills, L'Oreal, Redken, GDH, KMS, Schwarzkopf (all hair products), Peaceful Mountain (menopause product), Body Rescue (nutritional supplements) and Tweezerman (brow and nail kits). Further, the titles of her Exhibits 1058-1, 1058-2 and 1058-3 are completely illegible.

7. The information in some rows of Ms. Bouwsma's charts is simply not found in the documents (Exhibits 1001-1057) that Ms. Bouwsma claims to have based her own exhibits on. For instance, (counting for example, "Alpha Hydrox" as Row No. 1) there is no support in Exhibits 1001-1057 for App. Ex. 1058-1, Row Nos. 4, 6, 21-27, 29, 31, 33-35 and 40-42; App. Ex. 1058-2, Row Nos. 4, 6-10, 12-14, 17, 20, 22, 24, 26, 28, 32, 34, 36, 37, 39 and 41; or App. Ex. 1058-3, Row Nos. 1, 5-7, 11-14, 18, 22, 23 and 28-30.

8. Also, information from App. Ex. 1016 does not appear in Ms. Bouwsma's exhibits.

9. Moreover, some of the products identified in Ms. Bouwsma's exhibits do not include the full trademark of the product and/or include an incorrect identification of the mark, e.g., some do note include the house mark; and for example, the Garnier product (App. Ex. 1058-2, row 2) is misidentified.

10. I have reviewed Exhibits 1059-1061 attached to the Declaration of Charles Richards. It is not feasible to discern the products and/or marks used on the products in the photographs of Exhibits 1059-1061.

11. Attached as **Tab C** hereto is a true copy of Applicant's Initial Disclosures

that were served on Opposer on August 19, 2011.

12. Attached as **Tab D** hereto is a true copy of Applicant's Supplemental Initial Disclosures that were served on Opposer on October 4, 2011.

13. Attached as **Tab E** hereto are true copies of Applicant's responses to Opposer's First Set of Interrogatories, Nos. 16 and 19, which were served by Applicant on December 2, 2011 and Applicant's supplemental responses to Opposer's First Set of Interrogatories, Nos. 1, 2, 8, 16 and 19, which were served by Applicant on March 12, 2012.

14. Opposer's Initial Disclosures and its Supplemental Initial Disclosures only mention Charles Richards and Scott Faris as persons with knowledge of Applicant's claims and defenses. Nowhere during discovery did Applicant mention Lindsey Barber as a person with any knowledge of matters relevant to its own mark or defenses in this case.

15. Attached as **Tab F** hereto is a true copy of Applicant's responses to Opposer's First Request for Production of Documents and things, Nos. 12, 14, 20, 23 and 24, which were served by Applicant on Dec. 2, 2011.

16. In none of Applicant's written responses to Opposer's discovery requests or in its initial disclosures did Opposer indicate that it was relying on any alleged third party use of the mark RESCUE.

17. Mr. Wray stated in his declaration that on January 31, 2012 he performed an internet search, which led to Exhibits 1001-1057. Discovery did not close in this case until March 13, 2012. In addition, Mr. Wray informed the Board on January 25, 2012 (in Applicant's Objection to Opposer's Motion for an Extension of the Discovery

Period and Other Trial Dates, at p. 1) that “[t]here are no documents and things to provide to opposer other than copies of forty-seven (47) Certificates of Registration which have already been identified and supplied to Opposer.”

18. The search identified in the Declaration of James Wray, would have been responsive to at least Opposer’s interrogatory No. 16, which asked Applicant to “[i]dentify each search . . . or other inquiry conducted by or on behalf of Applicant regarding any mark containing the term Rescue”; Interrogatory No. 19, which requested that Applicant, “State all facts that support the asserted defense of *just tertii*”; Opposer’s Document Request No. 12, which requested that Applicant provide “All documents concerning any market research, polls or surveys conducted by or caused to be conducted by or obtained for Applicant which related to any mark containing the term RESCUE”; Document Request No. 14 requesting “All documents concerning any trademark search conducted or caused to be conducted by Applicant relating to any mark containing the term RESCUE”; Document Request No. 20, which asked for “Documents supporting Applicant’s asserted defense of *jus tertii*”; Document Request No. 23, which requested “all documents relating to Applicant’s plans to adopt and use the mark SUNBURN RESCUE including . . . mark search results”; and/or Document Request No. 24, which requested “All documents relating to Applicant’s plans to adopt and use any mark containing the term RESCUE including without limitation . . . mark search results.”

19. Similarly, the exhibits attached to the declarations of Richards and Barber in connection with this Opposition, which purport to relate to photographs of third party products that contain the term RESCUE, should have been timely produced as

responsive to the above mentioned discovery requests because Applicant had a continuing duty to supplement its discovery responses.

20. Attached as **Tab G** hereto are copies of USPTO TARR records that I printed from the internet on for the following third party registrations that include creams, lotions, sprays and/or various types of sun care products in the same registration.

- Reg. No. 4143552 for SNOWSKIN & design for e.g., suntanning preparations and cosmetic sunscreen preparations; self tanning preparations; sun block preparations in the form of lotions, creams, sticks and sprays; non-medicated sunscreen containing insect repellent; after sun lotions and gels; non-medicated lip balms in Class 3; medicated sunscreen preparations; medicated sun block preparations; medicated sunscreen preparations with insect repellent; medicated sunburn lotions; medicated sunburn ointments; medicated after sun lotions and gels; medicated skin care preparations, namely, medicated moisturizers; medicated lip balms in Class 5
- Reg. No. 4129836 for PRETTY TOUCH (stylized) for e.g., disposable wipes impregnated with . . . skin moisturizers; non-medicated sun care preparations; skin moisturizer masks in Class 3
- Reg. No. 4074754 for LIFELINE for e.g., cosmetics, namely, day-and-night beauty serums and creams, anti-aging, moisturizing, rehydrating, and sun-protecting serums and creams, skin cleansers and non-medicated body serums in Class 3; medicated cosmetics, namely, day-and-night medicated serums and creams, anti-aging, moisturizing, rehydrating, and sun-protecting serums and creams, medical skin cleansers and skin serums for parts of the body other than the facial area in Class 5
- Reg. No. 4068373 for SUNSATIIONS for e.g., sun care products comprising sunscreen lip balm, sunscreen lotions, sunscreen sprays, sunscreen sticks, sunscreen gels; after-sun balms, lotions for use after sun exposure; balms, lotions and gels containing aloe vera for cosmetic purposes in Class 3; balms, lotions and gels containing aloe vera for therapeutic purposes in Class 5
- Reg. No. 4025399 for REVERSE IT for e.g., skin moisturizer; sun screen in Class 3; medicinal creams for skin care in Class 5

21. The registrations of Tab G show that creams, lotions and/or sprays and sun care products are commonly marketed under the same marks by the same

registrant and that consumers are therefore likely to be confused by use of similar marks in connection with these goods.

22. Attached at **Tab H** hereto is a true copy of Opposer's answer to Applicant's Interrogatory No. 1 that was served on Applicant on November 2, 2011.

23. Attached at **Tab I** hereto is a true copy of a printout from the USPTO TARR database for Registration No. 2,517,685, which I printed on June 21, 2012.

24. Attached as **Tab J** hereto is a true copy of a printout from the USPTO TARR database for Registration No. 3,147,761, which I printed on June 21, 2012.

25. Attached at **Tab K** hereto is a true copy of a printout from the USPTO TARR database for Application Serial No. 77/485,289, which I printed on June 21, 2012.

26. Attached at **Tab L** is an Examiner's Amendment of December 9, 2010 in Application Serial No. 85/111,156 showing that the Examining Attorney required a disclaimer of the term "SUNBURN" apart from the mark as shown. The examiner obtained Applicant's authorization on December 8, 2010 to amend the application to add the disclaimer.

27. The TARR Status for Reg. No. 2917536 for A LOTIONAL RESCUE, (which registered on January 11, 2005), does not indicate that any documents have been timely filed to maintain this registration. A true copy of a printout from the USPTO TARR database for Reg. No. 2917536 is attached at **Tab M**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on June 22, 2012

Sheryl DeLuca
Sheryl De Luca

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB A

TO

DECLARATION OF SHERYL DE LUCA

Summary

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
<u>85460443</u> 05/02/2012	<u>EBS Collection, LLC</u> Mark: BEAUTY RESCUE S#: <u>85460443</u>	<u>Bach Flower Remedies Limited</u>
<u>91204428</u> 03/23/2012	<u>Survivor Solutions LLC</u> Mark: RADIATION RESCUE S#: <u>85301189</u>	<u>Bach Flower Remedies Limited</u> Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE S#: <u>77485289</u>
<u>85365749</u> 02/09/2012	<u>Abbott Laboratories</u> Mark: THERAPEUTIC HYDRATION TO THE RESCUE S#: <u>85365749</u>	<u>Bach Flower Remedies Limited</u>
<u>85417091</u> 01/30/2012	<u>Natural Thoughts, Inc.</u> Mark: RASPBERRY RESCUE S#: <u>85417091</u>	<u>Bach Flower Remedies Limited</u>
<u>91203383</u> 01/17/2012	<u>Mitchell Group USA LLC, and ISIS Pharma GmbH</u> Mark: SENSILIA MOISTURE RESCUE S#: <u>85250437</u>	<u>Bach Flower Remedies Limited</u> Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE CREAM S#: <u>78588767</u> R#: <u>3147761</u> Mark: RESCUE S#: <u>77485289</u>
<u>91203123</u> 12/23/2011	<u>Rather, Pratt</u> Mark: MOUNTAIN RESCUE S#: <u>85289810</u>	<u>Bach Flower Remedies Limited</u> Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE S#: <u>77485289</u>
<u>91203125</u> 12/23/2011	<u>Aramis Inc.</u> Mark: RESCUELIFT5 S#: <u>85263785</u>	<u>Bach Flower Remedies Limited</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE CREAM S#: <u>78588767</u> R#: <u>3147761</u> Mark: RESCUE S#: <u>77485289</u>
<u>85301189</u> 10/11/2011	<u>Survivor Solutions LLC</u> Mark: RADIATION RESCUE S#: <u>85301189</u>	<u>Bach Flower Remedies Limited</u>
<u>91201688</u>	<u>Blistex Inc.</u>	<u>Bach Flower Remedies Limited</u>

09/20/2011 **Mark:** INSTANT RESCUE
S#:85213059

91201407 Douglas Bio Research
08/31/2011 **Mark:** SKIN RESCUE
S#:85211690

85250437 Mitchell Group USA LLC
08/15/2011 **Mark:** SENSILIA MOISTURE
RESCUE **S#:**85250437

85289810 Rather, Pratt
07/26/2011 **Mark:** MOUNTAIN RESCUE
S#:85289810

91200828 Organic Liaison LLC
07/22/2011 **Mark:** ORGANIC LIAISON'S
RESCUE ME **S#:**85086259

85213059 Blistex Inc.
06/17/2011 **Mark:** INSTANT RESCUE
S#:85213059

91200168 Absolutely Natural, Inc.
06/08/2011 **Mark:** SUNBURN RESCUE
S#:85111156

85211690 Douglas Bio Research
06/01/2011 **Mark:** SKIN RESCUE
S#:85211690

85111156 Richards Distributing, Inc.
03/09/2011 **Mark:** SUNBURN RESCUE
S#:85111156

91198792 Fred Carter
03/02/2011 **Mark:** ORGANIC RESCUE

Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE CREAM
S#:78588767 **R#:**3147761
Mark: RESCUE **S#:**77485289

Bach Flower Remedies Limited
Mark: RESCUE **S#:**77485289
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE CREAM
S#:78588767 **R#:**3147761
Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE **S#:**77485289
Bach Flower Remedies Limited

Bach Flower Remedies Limited
Mark: RESCUE **S#:**77485289
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE CREAM
S#:78588767 **R#:**3147761

Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited
Mark: RESCUE REMEDY

S#:77878478

S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE CREAM
S#:78588767 **R#:**3147761
Mark: RESCUE **S#:**77485289

91198756 Speed Marketing, Inc.
02/28/2011 **Mark:** RESQWATER **S#:**85000963

Bach Flower Remedies Limited
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE **S#:**77485289

85086259 Organic Liaison LLC
02/22/2011 **Mark:** ORGANIC LIAISON'S
RESCUE ME **S#:**85086259

Bach Flower Remedies Limited

91198240 Tishcon Corp.
01/19/2011 **Mark:** RESQNOL **S#:**85034744

Bach Flower Remedies Limited
Mark: RESCUE **S#:**77485289
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685

91198242 Tishcon Corp.
01/19/2011 **Mark:** RESQGEL **S#:**85034747

Bach Flower Remedies Limited
Mark: RESCUE **S#:**77485289
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685

91198242 Tishcon Corp.
01/19/2011 **Mark:** RESQGEL **S#:**85034747

Bach Flower Remedies Limited
Mark: RESCUE **S#:**77485289
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685

91197982 OCCY Laboratoire Inc.
12/23/2010 **Mark:** AQUA RESCUE
S#:77934593

Bach Flower Remedies Limited
Mark: RESCUE **S#:**77485289
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685

77878478 Carter, Fred
11/30/2010 **Mark:** ORGANIC RESCUE
S#:77878478

91197474 American BioSciences, Inc.
11/19/2010 **Mark:** IMPOWER RESCUE
S#:77749701

91197318 Australian Gold, LLC
11/08/2010 **Mark:** RESCUE ME **S#:**77915828

91196815 Food Technology & Design, LLC
10/06/2010 **Mark:** RES-Q PRO **S#:**77931682

77961083 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S MOOD RESCUE
S#:77961083

77961104 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S DETOX RESCUE
S#:77961104

77961149 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S HAIR AND NAIL
RESCUE **S#:**77961149

77961163 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S SKIN RESCUE
S#:77961163

77961180 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S WEIGHT RESCUE
S#:77961180

77961260 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S WRINKLE RESCUE
S#:77961260

77961270 Royal Gypsy Tea Company
09/16/2010 **Mark:** ZHENA'S YOUTH RESCUE

Mark: RESCUE CREAM
S#:78588767 **R#:**3147761
Bach Flower Remedies Limited

Bach Flower Remedies Limited
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE **S#:**77485289

Bach Flower Remedies Limited
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE CREAM
S#:78588767 **R#:**3147761
Mark: RESCUE **S#:**77485289

Bach Flower Remedies Limited
Mark: RESCUE REMEDY
S#:73286900 **R#:**1237564
Mark: RESCUE REMEDY
S#:74367508 **R#:**1822260
Mark: RESCUE **S#:**75320219
R#:2517685
Mark: RESCUE **S#:**77485289

Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited

Bach Flower Remedies Limited

	S#: <u>77961270</u>	
<u>91196085</u>	<u>JOHNSON & JOHNSON</u>	<u>Bach Flower Remedies Limited</u>
08/09/2010	Mark: IT'S NOT JUST RELIEF, IT'S SINUS RESCUE S#: <u>77866669</u>	Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE S#: <u>77485289</u>
<u>91195883</u>	<u>Johnson & Johnson</u>	<u>Bach Flower Remedies Limited</u>
08/02/2010	Mark: SINUS RESCUE S#: <u>77827459</u>	Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE S#: <u>77485289</u>
<u>77934593</u>	<u>OCCY Laboratoire Inc.</u>	<u>Bach Flower Remedies Limited</u>
07/29/2010	Mark: AQUA RESCUE S#: <u>77934593</u>	
<u>77749701</u>	<u>American BioSciences, Inc.</u>	<u>Bach Flower Remedies Limited</u>
06/23/2010	Mark: IMMPower RESCUE S#: <u>77749701</u>	
<u>91195315</u>	<u>Organic Liaison, LLC</u>	<u>Bach Flower Remedies Limited</u>
06/16/2010	Mark: RESCUE ME S#: <u>77816331</u>	Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u> Mark: RESCUE S#: <u>77485289</u>
<u>77915828</u>	<u>Australian Gold, LLC</u>	<u>Bach Flower Remedies Limited</u>
06/09/2010	Mark: RESCUE ME S#: <u>77915828</u>	
<u>91194108</u>	<u>Ashkan Ghandehari</u>	<u>Bach Flower Remedies Limited</u>
03/11/2010	Mark: RESCUE S#: <u>77717046</u>	Mark: RESCUE REMEDY S#: <u>73286900</u> R#: <u>1237564</u> Mark: RESCUE REMEDY S#: <u>74367508</u> R#: <u>1822260</u> Mark: RESCUE S#: <u>75320219</u> R#: <u>2517685</u>
<u>77866669</u>	<u>JOHNSON & JOHNSON</u>	<u>Bach Flower Remedies Limited</u>
03/10/2010	Mark: IT'S NOT JUST RELIEF, IT'S SINUS RESCUE S#: <u>77866669</u>	
<u>77816331</u>	<u>Organic Liaison, LLC</u>	<u>Bach Flower Remedies Limited</u>
03/02/2010	Mark: RESCUE ME S#: <u>77816331</u>	
<u>77827459</u>	<u>JOHNSON & JOHNSON</u>	<u>Bach Flower Remedies Limited</u>
03/02/2010	Mark: SINUS RESCUE S#: <u>77827459</u>	
<u>77477400</u>	<u>Zuccherro, Vincent W.</u>	<u>Bach Flower Remedies Limited</u>

01/27/2010	Mark: BIO-RESCUE S#: <u>77477400</u>	
<u>91193118</u>	<u>Ghandehari, Ashkan</u>	<u>Bach Flower Remedies Limited</u>
12/22/2009	Mark: RESCUE BOTTLE S#: <u>77720243</u>	
<u>77720243</u>	<u>Ghandehari, Ashkan</u>	<u>Bach Flower Remedies Limited</u>
08/26/2009	Mark: RESCUE BOTTLE S#: <u>77720243</u>	
<u>77665871</u>	<u>Nutec Performance Labs, Inc.</u>	<u>Bach Flower Remedies Limited</u>
07/15/2009	Mark: LEAN-RESCUE S#: <u>77665871</u>	
<u>77082820</u>	<u>Syngenta Participations AG</u>	<u>Bach Flower Remedies Limited</u>
05/06/2009	Mark: RESCUE S#: <u>77082820</u>	
<u>91167054</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
10/11/2005	Mark: BACK RESCUE S#: <u>78363962</u>	
<u>78363834</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWED REMEDIES LIMITED</u>
08/09/2005	Mark: JOINT RESCUE S#: <u>78363834</u>	
<u>78406993</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
08/04/2005	Mark: ULCER RESCUE S#: <u>78406993</u>	
<u>78340080</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
07/28/2005	Mark: SHINGLES RESCUE S#: <u>78340080</u>	
<u>78340099</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
07/28/2005	Mark: TRAVEL RESCUE S#: <u>78340099</u>	
<u>78384272</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
07/28/2005	Mark: SCIATIC RESCUE S#: <u>78384272</u>	
<u>78384289</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
06/06/2005	Mark: ARTHRITIS RESCUE S#: <u>78384289</u>	
<u>78363769</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
05/11/2005	Mark: TENDON RESCUE S#: <u>78363769</u>	
<u>78363935</u>	<u>Klearsen Corporation</u>	<u>Bach Flower Remedies Limited</u>
05/11/2005	Mark: MUSCLE RESCUE S#: <u>78363935</u>	
<u>78363962</u>	<u>Klearsen Corporation</u>	<u>BACH FLOWER REMEDIES LIMITED</u>
05/11/2005	Mark: BACK RESCUE S#: <u>78363962</u>	
<u>78387405</u>	<u>Klearsen Corporation</u>	<u>Bach Flower Remedies, Ltd</u>
05/11/2005	Mark: RASH RESCUE S#: <u>78387405</u>	
<u>78226962</u>	<u>Himalayan Wisdoms International</u>	<u>Bach Flower Remedies Limited</u>
01/07/2004	Mark: EMOTIONAL RESCUE S#: <u>78226962</u>	

78096771 APPLEWOOD ACRES, INC.
12/09/2002 **Mark:** SLEEP RESCUE
S#:78096771 **R#:**2654553

Bach Flower Remedies Limited

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB B

TO

DECLARATION OF SHERYL DE LUCA

Opposition

Number: 91201407

Filing Date: 08/31/2011

Status: Terminated

Status Date: 12/14/2011

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Douglas Bio Research

Correspondence: EDWARD J HEJLEK

BRYAN CAVE LLP
211 N BROADWAY , STE 3600
SAINT LOUIS, MO 63102 2769
UNITED STATES

Serial #: 85211690

Application File

Application Abandoned - After Inter-Partes Decision

Status:

Mark: SKIN RESCUE

Plaintiff

Name: Bach Flower Remedies Limited

Correspondence: DONNA J BUNTON

NIXON VANDERHYE PC
901 NORTH GLEBE ROAD , 11TH FLOOR
ARLINGTON, VA 22203
UNITED STATES
nixonptomail@nixonvan.com, djb@nixonvan.com

Serial #: 77485289 Application File

Application Opposition Pending

Status:

Mark: RESCUE

Serial #: 74367508 Application File

Registration #: 1822260

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 75320219 Application File

Registration #: 2517685

Application Renewed

Status:

Mark: RESCUE

Serial #: 78588767 Application File

Registration #: 3147761

Application Section 8 and 15 - Accepted and Acknowledged

Status:

Mark: RESCUE CREAM

Prosecution History

#	Date	History Text	Due Date
6	12/14/2011	TERMINATED	
<u>5</u>	12/14/2011	<u>BOARD'S DECISION: SUSTAINED</u>	
<u>4</u>	10/25/2011	<u>NOTICE OF DEFAULT</u>	
3	08/31/2011	PENDING, INSTITUTED	
<u>2</u>	08/31/2011	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	10/10/2011
<u>1</u>	08/31/2011	<u>FILED AND FEE</u>	

Opposition

Number: 91198792

Filing Date: 03/02/2011

Status: Terminated

Status Date: 06/13/2011

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Fred Carter

Correspondence: EUGENE J RATH III

FLYNN THIEL BOUTELL & TANIS PC
2026 RAMBLING RD
KALAMAZOO, MI 49008-1631
UNITED STATES
docket@flynnthiel.com

Serial #: 77878478

Application File

Application Abandoned - After Inter-Partes Decision

Status:

Mark: ORGANIC RESCUE

Plaintiff

Name: Bach Flower Remedies Limited

Correspondence: DONNA J BUNTON

NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON, VA 22203
UNITED STATES
nixonptomail@nixonvan.com, djb@nixonvan.com

Serial #: 73286900

Application File

Registration #: 1237564

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 74367508

Application File

Registration #: 1822260

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 75320219

Application File

Registration #: 2517685

Application Renewed

Status:

Mark: RESCUE

Serial #: 78588767

Application File

Registration #: 3147761

Application Section 8 and 15 - Accepted and Acknowledged

Status:

Mark: RESCUE CREAM

Serial #: 77485289

Application File

Application Opposition Pending
Status:

Mark: RESCUE

Prosecution History

#	Date	History Text	Due Date
6	06/13/2011	TERMINATED	
<u>5</u>	06/13/2011	<u>BOARD'S DECISION: SUSTAINED</u>	
<u>4</u>	04/26/2011	<u>NOTICE OF DEFAULT</u>	
3	03/02/2011	PENDING, INSTITUTED	
<u>2</u>	03/02/2011	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	04/11/2011
<u>1</u>	03/02/2011	<u>FILED AND FEE</u>	

Opposition

Number: 91198756

Filing Date: 02/28/2011

Status: Terminated

Status Date: 09/23/2011

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Speed Marketing, Inc.

Correspondence: MICHAEL A WILLIAMSON

POLSINELLI SHUGHART PC
700 WEST 47TH STREET, SUITE 1000
KANSAS CITY, MO 64112-1802
UNITED STATES
lswain@polsinelli.com, mwilliamson@polsinelli.com

Serial #: 85000963

Application File

Application Abandoned - After Inter-Partes Decision

Status:

Mark: RESQWATER

Plaintiff

Name: Bach Flower Remedies Limited

Correspondence: DONNA J BUNTON

NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203
UNITED STATES
nixonptomail@nixonvan.com, djb@nixonvan.com

Serial #: 73286900

Application File

Registration #: 1237564

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 74367508

Application File

Registration #: 1822260

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 75320219

Application File

Registration #: 2517685

Application Renewed

Status:

Mark: RESCUE

Serial #: 77485289

Application File

Application Opposition Pending

Status:

Mark: RESCUE

Prosecution History

#	Date	History Text	Due Date
13	09/23/2011	TERMINATED	
<u>12</u>	09/23/2011	<u>BOARD'S DECISION: SUSTAINED</u>	
<u>11</u>	09/20/2011	<u>WITHDRAWAL OF APPLICATION</u>	
<u>10</u>	08/17/2011	<u>SUSPENDED</u>	
<u>9</u>	08/10/2011	<u>P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS</u>	
<u>8</u>	07/14/2011	<u>EXTENSION OF TIME GRANTED</u>	
<u>7</u>	07/08/2011	<u>P'S MOT FOR EXTEN. OF TIME W/ CONSENT</u>	
<u>6</u>	06/16/2011	<u>EXTENSION OF TIME GRANTED</u>	
<u>5</u>	06/08/2011	<u>P'S MOT FOR EXTEN. OF TIME W/ CONSENT</u>	
<u>4</u>	04/08/2011	<u>ANSWER</u>	
3	02/28/2011	PENDING, INSTITUTED	
<u>2</u>	02/28/2011	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	04/09/2011
<u>1</u>	02/28/2011	<u>FILED AND FEE</u>	

Opposition

Number: 91197982

Filing Date: 12/23/2010

Status: Terminated

Status Date: 10/12/2011

Interlocutory Attorney: MICHAEL B ADLIN

Defendant

Name: OCCY Laboratoire Inc.

Correspondence: THOMAS L KAUTZ

GRAYROBINSON PA
401 EAST LAS OLAS BOULEVARD, SUITE 1850
FORT LAUDERDALE, FL 33301
UNITED STATES
tkautz@gray-robinson.com, lpillitteri@gray-robinson.com

Serial #: 77934593 Application File

Registration #: 4125971

Application Registered

Status:

Mark: AQUA RESCUE

Plaintiff

Name: Bach Flower Remedies Limited

Correspondence: DONNA J BUNTON

NIXON AND VANDERHYE PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203
UNITED STATES
nixonptomail@nixonvan.com, djb@nixonvan.com

Serial #: 77485289 Application File

Application Opposition Pending

Status:

Mark: RESCUE

Serial #: 73286900 Application File

Registration #: 1237564

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 74367508 Application File

Registration #: 1822260

Application Renewed

Status:

Mark: RESCUE REMEDY

Serial #: 75320219 Application File

Registration #: 2517685

Application Renewed

Status:

Mark: RESCUE

Serial #: 78588767 Application File

Registration #: 3147761

Application Section 8 and 15 - Accepted and Acknowledged
Status:

Mark: RESCUE CREAM

Prosecution History

#	Date	History Text	Due Date
15	10/12/2011	TERMINATED	
14	10/12/2011	<u>BD'S DECISION: DISMISSED W/O PREJUDICE</u>	
13	10/07/2011	<u>WITHDRAWAL OF OPPOSITION</u>	
12	10/05/2011	<u>RESPONSE DUE 30 DAYS (DUE DATE)</u>	11/04/2011
11	10/04/2011	<u>MOTION TO AMEND APPLICATION</u>	
10	07/19/2011	<u>SUSPENDED</u>	
9	07/11/2011	<u>P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS</u>	
8	04/12/2011	<u>SUSPENDED</u>	
7	04/12/2011	<u>P'S MOT FOR EXTEN. OF TIME W/ CONSENT</u>	
6	02/25/2011	<u>ANSWER</u>	
5	01/26/2011	<u>EXTENSION OF TIME GRANTED</u>	
4	01/26/2011	<u>D'S MOT FOR EXTEN. OF TIME W/ CONSENT</u>	
3	12/23/2010	PENDING, INSTITUTED	
2	12/23/2010	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	02/01/2011
1	12/23/2010	<u>FILED AND FEE</u>	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB C

TO

DECLARATION OF SHERYL DE LUCA

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Application No. 85/111,156

Mark: SUNBURN RESCUE

Classes: 003; 035

=====)	
BACH FLOWER REMEDIES LIMITED,)	Opposition No. 91200168
)	
Opposer)	RULE 26 INITIAL DISCLOSURES
v.)	
)	
RICHARDS DISTRIBUTING, INC.,)	
)	
Applicant.)	
)	
=====)	

Applicant hereby submits its Initial Disclosures as required by Fed. R. Civ. P. 26(a) and the Board's Rules. The information contained herein is believed to be correct and accurate as of the date of this submission. Applicant will supplement disclosures and discovery responses in proceedings before the Board pursuant to Fed. R. Civ. P. 26(e)(1) and (2).

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

The name and address of the company that filed the trademark application is:

Richard Distributing Company, Inc.
640 Atlantis Road
Melbourne, Florida, 32904

The individuals most knowledgeable and likely to have discoverable information are Charles Richard and Scott Faris. Their address and telephone number are:

640 Atlantis Road
Melbourne, Florida, 32904
(800) 848-8480

Each individual may be contacted only through the undersigned counsel.

II. DESCRIPTION OF DOCUMENTS BY CATEGORY


Applicant is unaware of any documents that would be discoverable in the case. The location at which any documents may exist is Applicant's aforementioned address. For its counterclaim Applicant anticipates using documents produced by third parties.

Respectfully submitted,

LAW OFFICE OF JAMES C. WRAY



By: _____


James C. Wray
Law Offices of James C. Wray
1493 Chain Bridge Road
Suite 300
McLean, VA 22101
(703) 442-4800
(703) 448-7397
jameswray@jcwray.com


Dated: August 19, 2011

Attorney for Applicant,
Richards Distributing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Initial Disclosure was served on Opposer at the following address of record by depositing the same in the United States mail, postage prepaid, on this 19th day of August, 2011:

Donna J. Bunton
Nixon & Vanderhye P.C.
901 N Glebe Rd. Fl. 11
Arlington, VA 22203-1853



Evan T. Hulting
The Law Offices of James C. Wray
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

August 19, 2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB D

TO

DECLARATION OF SHERYL DE LUCA

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

=====

BACH FLOWER REMEDIES LIMITED,)

Opposition No. 91200168

Opposer,)

**APPLICANT'S SUPPLEMENT
TO INITIAL DISCLOSURE**

v.)

RICHARDS DISTRIBUTING, INC.,)

Applicant.)

=====

Applicant hereby supplements its Initial Disclosure pursuant to Fed. R. Civ. P. 26(e)(1) and TBMP Rule 408.03. The information contained herein is believed to be correct and accurate as of the date of this submission.

**DESCRIPTION AND LOCATION OF DOCUMENTS RELATING TO APPLICANT'S
CLAIMS AND DEFENSES**

1. Documents relating to the U.S. applications that Applicant owns covering its RESCUE SUNBURN trademark.
2. Documents showing the type of products and/or services identified by Applicant's RESCUE SUNBURN trademark.

All of the relevant documents and things identified to date are believed to be at the offices of Applicant's counsel, The Law Offices of James C. Wray, 1493 Chain Bridge Road, Suite 300, McLean, VA 22101 and Richard Distributing Company, Inc., 640 Atlantis Road, Melbourne, Florida, 32904.

Applicant anticipates that additional documents and information will be located or

identified, including documents and information requested through discovery, and reserves the right to supplement these disclosures by identifying and describing additional documents and information as they become available.

Respectfully submitted,

THE LAW OFFICE OF JAMES C. WRAY

By: 

Dated: October 3, 2011

James C. Wray
The Law Offices of James C. Wray
1493 Chain Bridge Road, Suite 300
McLean, VA 22101
(703) 442-4800
(703) 448-7397
jameswray@jcwrap.com

Attorney for Applicant,
Richards Distributing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Initial Disclosure was served on Opposer at the following address of record by depositing the same in the United States mail, postage prepaid, on this 4th day of October, 2011:

Donna J. Bunton
Nixon & Vanderhye P.C.
901 N Glebe Rd. Fl. 11
Arlington, VA 22203-1853



Evan T. Hulting
The Law Offices of James C. Wray
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

October 4, 2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB E

TO

DECLARATION OF SHERYL DE LUCA

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

BACH FLOWER REMEDIES LIMITED,)	
)	
Opposer)	
)	
v.)	
)	
ABSOLUTELY NATURAL, INC.)	
by name change from)	
RICHARDS DISTRIBUTING, INC.,)	
)	
Applicant.)	
)	

Opposition No. 91200168

**APPLICANT'S RESPONSE TO
OPPOSER'S FIRST SET OF
INTERROGATORIES**

RESPONSE

INTERROGATORY NO. 1:

Describe in detail the business of Applicant as it relates to "SUNBURN RESCUE" and describe in detail the channels of trade that this business operates in, including a description of the person(s) who sell and resell or are intended to sell and resell the Applicant's products and/or services in connection with any mark containing the term SUNBURN RESCUE (including but not limited to franchisees, licensees, distributors, retailers, jobbers and/or wholesalers) and the person(s) who purchase or are intended to purchase those products/services.

RESPONSE:

Applicant is not yet selling SUNBURN RESCUE products. Applicant intends to sell the products to customers and retailers of sun care products. Its distribution of sun care products has been exclusively to resort hotels since inception in 1992.

RESPONSE:

- (a) Scott Faris, Charley Richards and Absolutely Natural, Inc.
- (b) Scott Faris, Charley Richards and Absolutely Natural, Inc..
- (c) Scott Faris, Charley Richards and Absolutely Natural, Inc.
- (d) Scott Faris, Charley Richards and Absolutely Natural, Inc.
- (e) Scott Faris, Charley Richards and Absolutely Natural, Inc.

INTERROGATORY NO. 16:

Identify each search, clearance or other inquiry conducted by or on behalf of Applicant regarding any mark containing the term "RESCUE" and also state:

- (a) the date upon which each such search, clearance or other inquiry was conducted;
- (b) the person who conducted each such search, clearance or other inquiry;
- (c) the person in Applicant's employ who authorized each such search, clearance or other inquiry; and
- (d) the name or location of each set of records searched.

RESPONSE:

- (a) The date upon which each such search, clearance or other inquiry was conducted was August 18, 2010.
- (b) Applicant's Counsel James C. Wray.
- (c) Charley Richards authorized each such search, clearance or other inquiry.
- (d) U.S. Patent and Trademark Office trademark database, internet search engines Google and Bing.

sold or offered for sale by Applicant under any mark containing the term "SUNBURN
RESCUE."

INTERROGATORY NO. 18:

If the answer to any aspect of the foregoing interrogatory is in the affirmative, describe the circumstances of each such instance and the identity of each person who has knowledge of or participated in each instance.

RESPONSE:

The answer to any aspect of the foregoing interrogatory is in the negative.

INTERROGATORY NO. 19:

State all facts that support the asserted defense of *jus tertii* in Paragraph 15 of Applicant's "Answer."

RESPONSE:

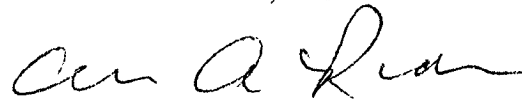
Facts that support the asserted defense of *jus tertii* in Paragraph 15 of Applicant's "Answer" are that each of the Registrants of the marks and registrations listed in the Answer has a right to use RESCUE in its mark.

VERIFICATION

CHARLES A RICHARDS declares that he is PRESIDENT of Absolutely Natural, Inc. by name change from Richards Distributing, Inc., that he is properly authorized to execute this document on behalf of Applicant, that he signed the foregoing Applicant's Answers to Opposer's First Set of Interrogatories (Nos. 1-19), that the answers made herein are true to the best of his knowledge and belief based upon the information available to him, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, and that such willful false statements may jeopardize the validity of this document.

Executed at _____, this 1ST day of December, 2011.

ABSOLUTELY NATURAL, INC.

By: 
Name: CHARLES A RICHARDS
Title: PRESIDENT

Opposer is referred to APP.EX. 305 and APP.EX. 312, wherein Red Lane Spa is located in Negril, Jamaica.

INTERROGATORY NO. 2:

Identify each product/service that has been sold or offered for sale or is intended to be sold or offered for sale by Applicant or any person licensed, franchised or otherwise authorized by Applicant under any mark containing the term "SUNBURN RESCUE."

RESPONSE:

No products have been sold under any mark containing the term SUNBURN RESCUE in the United States. Products intended to be sold include an Aloe Lotion, a Pure Aloe Gel and an aloe based body mist.

Opposer is referred to APP.EX. 305 - APP.EX. 312.

INTERROGATORY NO. 3:

Identify the ingredients in Applicant's SUNBURN RESCUE product.

RESPONSE:

Opposer is referred to APP.EX. 308.

INTERROGATORY NO. 4:

Describe in detail any and all problems or conditions which Applicant's SUNBURN RESCUE product treats or relieves or is intended to treat or relieve.

RESPONSE:

Opposer is referred to APP.EX. 308.

INTERROGATORY NO. 8:

State the date of first use anywhere and the date of first use in commerce by Applicant of each mark containing the term "SUNBURN RESCUE" for each product and/or service identified in response to Interrogatory No.2. In addition, describe in detail the circumstances of each such first use anywhere and first use in Commerce.

RESPONSE:

There has been no first use in commerce anywhere.

INTERROGATORY NO. 9:

State whether Applicant was aware of the existence of Opposer and/or of its RESCUE, RESCUE REMEDY and RESCUE CREAM marks at the time that Applicant selected the mark SUNBURN RESCUE.

RESPONSE:

Opposer is referred to APP.EX. 306 - APP.EX. 307.

INTERROGATORY NO. 10:

Describe in detail the method used by Applicant to select the mark "SUNBURN RESCUE," including, but not limited to:

- (a) the date of the selection; and
- (b) the reason(s) for selecting the mark.

RESPONSE:

The method of selection was brainstorming, searching and deciding to use the mark.

- (a) Opposer is referred to APP.EX. 306 - APP.EX. 307.

RESPONSE:

- (a) Scott Faris, Charley Richards and Absolutely Natural, Inc.
- (b) Scott Faris, Charley Richards and Absolutely Natural, Inc..
- (c) Scott Faris, Charley Richards and Absolutely Natural, Inc.
- (d) Scott Faris, Charley Richards and Absolutely Natural, Inc.
- (e) Scott Faris, Charley Richards and Absolutely Natural, Inc.

INTERROGATORY NO. 16:

Identify each search, clearance or other inquiry conducted by or on behalf of Applicant regarding any mark containing the term "RESCUE" and also state:

- (a) the date upon which each such search, clearance or other inquiry was conducted;
- (b) the person who conducted each such search, clearance or other inquiry;
- (c) the person in Applicant's employ who authorized each such search, clearance or other inquiry; and
- (d) the name or location of each set of records searched.

RESPONSE:

- (a) The date upon which each such search, clearance or other inquiry was conducted was August 18, 2010.
- (b) Applicant's Counsel James C. Wray.
- (c) Charley Richards authorized each such search, clearance or other inquiry.
- (d) U.S. Patent and Trademark Office trademark database, internet search engines Google and Bing.

sold or offered for sale by Applicant under any mark containing the term "SUNBURN RESCUE."

INTERROGATORY NO. 18:

If the answer to any aspect of the foregoing interrogatory is in the affirmative, describe the circumstances of each such instance and the identity of each person who has knowledge of or participated in each instance.

RESPONSE:

The answer to any aspect of the foregoing interrogatory is in the negative.

INTERROGATORY NO. 19:

State all facts that support the asserted defense of *jus tertii* in Paragraph 15 of Applicant's "Answer."

RESPONSE:

Facts that support the asserted defense of *jus tertii* in Paragraph 15 of Applicant's "Answer" are that each of the Registrants of the marks and registrations listed in the Answer has a right to use RESCUE in its mark.

VERIFICATION

Charley Richards declares that he is President of Absolutely Natural, Inc. by name change from Richards Distributing, Inc., that he is properly authorized to execute this document on behalf of Applicant, that he signed the foregoing Applicant's Answers to Opposer's First Set of Interrogatories (Nos. 1-19), that the answers made herein are true to the best of his knowledge and belief based upon the information available to him, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, and that such willful false statements may jeopardize the validity of this document.

Executed at Melbourne, Florida, this 9th day of
March, 2012.

ABSOLUTELY NATURAL, INC.

By: Charley Richards
Charley Richards
President

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB F

TO

DECLARATION OF SHERYL DE LUCA

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

=====

BACH FLOWER REMEDIES LIMITED,)

Opposer)

v.)

ABSOLUTELY NATURAL, INC.)

by name change from)

RICHARDS DISTRIBUTING, INC.,)

Applicant.)

=====

Opposition No. 91200168

**APPLICANT'S RESPONSE TO
OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS AND THINGS**

RESPONSE

REQUEST NO.1:

All documents requested to be identified in "Opposer's First Set of Interrogatories," served concurrently herewith.

RESPONSE:

Applicant objects to this request on the ground that it is unduly vague with respect to the meaning of the term "documents" as they were not requested to be identified in "Opposer's First Set of Interrogatories".

Subject to the foregoing objections, Applicant will make documents responsive to the request available for inspection and copying at a mutually convenient place and time to the extent such information exists and is not confidential or privileged.

REQUEST NO. 11:

All documents concerning Applicant's creation, adoption, selection, proposed use and first use of any mark containing the term SUNBURN RESCUE.

RESPONSE:

Any such document will be produced with the exception of privileged material.

REQUEST NO. 12:

All documents concerning any market research, polls or surveys conducted by or caused to be conducted or obtained for Applicant which relate to any mark containing the term RESCUE.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 13:

All documents concerning the date and manner of first use in each of the fifty states of the United States and in commerce of each mark containing the term SUNBURN RESCUE for products sold or offered for sale by Applicant or its franchisees, licensees or any other person authorized by Applicant.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 14:

All documents concerning any trademark search conducted or caused to be conducted by Applicant relating to any mark containing the term RESCUE.

RESPONSE:

Any such document will be produced with the exception of privileged material.

REQUEST NO. 15:

One specimen of each different document concerning the marketing and advertising of Applicant's products or services bearing or relating to any mark containing the term SUNBURN RESCUE in the United States.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 16:

All documents concerning any trademark or service mark applications or registrations for any mark containing the term SUNBURN RESCUE applied for or acquired by Applicant.

RESPONSE:

Any such document will be produced with the exception of privileged material.

REQUEST NO. 20:

All documents and things supporting Applicant's asserted defense of *jus tertii* in Paragraph 15 of Applicant's "Answer" in this proceeding.

RESPONSE:

Any such document will be produced with the exception of privileged material.

REQUEST NO. 21:

All documents showing correspondence between Applicant and any advertising agency concerning the mark SUNBURN RESCUE in the United States.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 22:

All documents showing correspondence between Applicant and any media relating to the mark SUNBURN RESCUE in the Untied [sic] States.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 23:

All documents relating to Applicant's plans to adopt and use the mark SUNBURN RESCUE including without limitation, all proposals, resolutions, memoranda, correspondence, marketing opinions, artwork, press releases, mark search results and legal opinions.

RESPONSE:

Any such document will be produced with the exception of privileged material.

REQUEST NO. 24:

All documents relating to Applicant's plans to adopt and use any mark containing the term RESCUE including without limitation, all proposals, resolutions, memoranda, correspondence, marketing opinions, artwork, press releases, mark search results and legal opinions.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 25:

All documents tending to show the class of present or future purchasers or users of services or products, sold, offered or delivered, intended to be sold, offered or delivered under the mark SUNBURN RESCUE by the Applicant.

RESPONSE:

There are no such documents or things in existence.

REQUEST NO. 29:

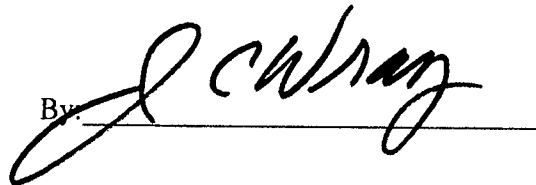
All documents concerning any communication of Applicant with a third party concerning Opposer, Opposer's RESCUE, RESCUE REMEDY or RESCUE CREAM marks or any goods or services provided by Opposer under the RESCUE, RESCUE REMEDY or RESCUE CREAM marks.

RESPONSE:

There are no such documents or things in existence.

Respectfully submitted,
ABSOLUTELY NATURAL, INC.

Dated: December 2, 2011

By: 

James C. Wray
Law Offices of James C. Wray
1493 Chain Bridge Road
Suite 300
McLean, VA 22101
(703) 442-4800
(703) 448-7397
jameswray@jcwray.com

Attorney for Applicant,
Absolutely Natural, Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB G

TO

DECLARATION OF SHERYL DE LUCA

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-12 15:38:14 ET

Serial Number: 85151859 Assignment Information

Trademark Document Retrieval

Registration Number: 4143552

Mark



(words only): SNOWSKIN

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2012-05-15

Filing Date: 2010-10-13

Transformed into a National Application: No

Registration Date: 2012-05-15

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2012-04-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Skin Alive Holdings Limited

Address:

Skin Alive Holdings Limited
100 Burnett Street
Ashburton 7700
New Zealand

Legal Entity Type: limited company (ltd.)

State or Country Where Organized: New Zealand

Phone Number: 561-625-6575

Fax Number: 561-625-6572

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Suntanning preparations and cosmetic sunscreen preparations; self tanning preparations; sun block preparations in the form of lotions, creams, sticks and sprays; non-medicated sunscreen containing insect repellent; after sun lotions and gels; non-medicated lip balms

Basis: 1(a)

First Use Date: 2010-10-13

First Use in Commerce Date: 2011-01-01

International Class: 005

Class Status: Active

Medicated sunscreen preparations; medicated sun block preparations; medicated sunscreen preparations with insect repellent; medicated sunburn lotions; medicated sunburn ointments; medicated after sun lotions and gels; medicated skin care preparations, namely, medicated moisturizers; medicated lip balms

Basis: 1(a)

First Use Date: 2010-10-13

First Use in Commerce Date: 2011-01-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the word "snowskin" with the prefix "snow" appearing in lowercase and in a specific font and with the word "skin" written on a diagonal with a line below the word, enclosed in a shaded rectangular box.

Design Search Code(s):

26.11.21 - Rectangles that are completely or partially shaded

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-15 - Registered - Principal Register

2012-04-07 - Notice Of Acceptance Of Statement Of Use E-Mailed

2012-04-06 - Law Office Registration Review Completed

2012-04-03 - Allowed for Registration - Principal Register (SOU accepted)

2012-03-07 - Statement Of Use Processing Complete

2012-02-06 - Use Amendment Filed

2012-03-02 - Case Assigned To Intent To Use Paralegal

2012-02-06 - TEAS Statement of Use Received

2011-08-16 - NOA E-Mailed - SOU Required From Applicant

2011-06-21 - Official Gazette Publication Confirmation E-Mailed

2011-06-21 - Published for opposition

2011-05-19 - Law Office Publication Review Completed

2011-05-19 - Approved For Pub - Principal Register

2011-04-26 - Amendment From Applicant Entered

2011-04-26 - Communication received from applicant

2011-04-12 - Assigned To LIE

2011-04-01 - Assigned To LIE

2011-03-23 - Assigned To LIE

2011-03-11 - PAPER RECEIVED

2011-01-31 - Notification Of Non-Final Action E-Mailed

2011-01-31 - Non-final action e-mailed

2011-01-31 - Non-Final Action Written

2011-01-24 - Assigned To Examiner

2010-10-22 - Notice Of Design Search Code And Pseudo Mark Mailed

2010-10-21 - New Application Office Supplied Data Entered In Tram

2010-10-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Carl J. Spagnuolo

Correspondent

CARL J. SPAGNUOLO

MCHALE & SLAVIN, P.A.

2855 PGA BLVD

PALM BEACH GARDENS, FL 33410-2910

Phone Number: 561-625-6575

Fax Number: 561-625-6572

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-12 15:40:03 ET

Serial Number: 85337618 Assignment Information Trademark Document Retrieval

Registration Number: 4129836

Mark

pretty touch

(words only): PRETTY TOUCH

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2012-04-17

Filing Date: 2011-06-03

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2012-04-17

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2012-03-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Diamond Wipes

Address:

Diamond Wipes
4651 Schaefer Avenue
Chino, CA 91710
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** California**Phone Number:** 949-510-6489

GOODS AND/OR SERVICES

International Class: 003**Class Status:** Active

Beauty masks; Cosmetic pads; Disposable wipes impregnated with cleansing chemicals or compounds for removal of makeup, nail polish, acne treatment, skin moisturizers, and nail conditioners; Exfoliating pad containing a glycolic ingredient not for medical purposes; Facial beauty masks; Facial masks; Impregnated cleaning pads impregnated with cosmetics; Impregnated cleaning pads impregnated with toilet preparations; Non-medicated sun care preparations; Pre-moistened cosmetic wipes; Skin masks; Skin moisturizer masks; Wipes impregnated with a skin cleanser

Basis: 1(a)**First Use Date:** 2011-09-20**First Use in Commerce Date:** 2011-09-20**International Class:** 005**Class Status:** Active

Acne treatment preparations; Antiseptic wipes; Medicated pre-moistened wipes; Pre-moistened medicated wipes

Basis: 1(a)**First Use Date:** 2011-09-20**First Use in Commerce Date:** 2011-09-20

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of the wording "pretty touch" in a stylized font.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-04-17 - Registered - Principal Register

2012-03-15 - Notice Of Acceptance Of Statement Of Use E-Mailed

6/12/2012

<http://tarr.uspto.gov/servlet/tarr?regs...>

2012-03-14 - Law Office Registration Review Completed
2012-03-13 - Assigned To LIE
2012-02-28 - Allowed for Registration - Principal Register (SOU accepted)
2012-02-16 - Statement Of Use Processing Complete
2012-01-18 - Use Amendment Filed
2012-02-15 - Case Assigned To Intent To Use Paralegal
2012-01-18 - TEAS Statement of Use Received
2011-12-20 - NOA E-Mailed - SOU Required From Applicant
2011-10-25 - Official Gazette Publication Confirmation E-Mailed
2011-10-25 - Published for opposition
2011-09-19 - Approved For Pub - Principal Register
2011-09-19 - Assigned To Examiner
2011-06-07 - New Application Office Supplied Data Entered In Tram
2011-06-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Craig Miller

Correspondent

CRAIG MILLER

MPR

642 VIA UMBROSO

SAN CLEMENTE, CA 92672-9310

Phone Number: 949-510-6489

Fax Number: 714-459-7358

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-12 15:43:14 ET

Serial Number: 85017525 Assignment Information Trademark Document Retrieval

Registration Number: 4074754

Mark

LIFELINE

(words only): LIFELINE

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-12-20

Filing Date: 2010-04-19

Transformed into a National Application: No

Registration Date: 2011-12-20

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-11-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lifeline Skin Care Inc.

Address:

Lifeline Skin Care Inc.
5950 Priestly Drive

Carlsbad, CA 92008

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

Phone Number: (760) 940-6383

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Cosmetics, namely, day-and-night beauty serums and creams, anti-aging, moisturizing, rehydrating, and sun-protecting serums and creams, skin cleansers and non-medicated body serums

Basis: 1(a)

First Use Date: 2010-11-16

First Use in Commerce Date: 2010-11-16

International Class: 005

Class Status: Active

Medicated cosmetics, namely, day-and-night medicated serums and creams, anti-aging, moisturizing, rehydrating, and sun-protecting serums and creams, medical skin cleansers and skin serums for parts of the body other than the facial area

Basis: 1(a)

First Use Date: 2010-11-16

First Use in Commerce Date: 2010-11-16

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-12-20 - Registered - Principal Register

2011-11-16 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-11-15 - Law Office Registration Review Completed

2011-11-14 - Allowed for Registration - Principal Register (SOU accepted)

2011-11-14 - Teas/Email Correspondence Entered

2011-11-14 - Communication received from applicant

2011-11-14 - TEAS Response to Office Action Received

2011-07-22 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-07-22 - TEAS Change Of Owner Address Received

2011-05-31 - Notification Of Non-Final Action E-Mailed

2011-05-31 - NON-FINAL ACTION E-MAILED

2011-05-31 - SU - Non-Final Action - Written

2011-05-19 - Statement Of Use Processing Complete

2011-05-13 - Use Amendment Filed

2011-05-18 - Case Assigned To Intent To Use Paralegal

2011-05-03 - Attorney Revoked And/Or Appointed

2011-05-03 - TEAS Revoke/Appoint Attorney Received

2011-05-13 - TEAS Statement of Use Received

2010-11-16 - NOA E-Mailed - SOU Required From Applicant

2010-09-21 - Official Gazette Publication Confirmation E-Mailed

2010-09-21 - Published for opposition

2010-08-17 - Law Office Publication Review Completed

2010-08-17 - Assigned To LIE

2010-07-29 - Approved For Pub - Principal Register

2010-07-28 - Applicant amendment prior to exam entered

2010-07-28 - TEAS Voluntary Amendment Received

2010-07-29 - Examiner's Amendment Entered

2010-07-29 - Notification Of Examiners Amendment E-Mailed

2010-07-29 - Examiners amendment e-mailed

2010-07-29 - Examiners Amendment -Written

2010-07-27 - Assigned To Examiner

2010-04-23 - New Application Office Supplied Data Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Stacy L. Taylor

Correspondent

Stacy L. Taylor

DLA PIPER LLP (US)

4365 Executive Drive, Suite 1100

San Diego CA 92121

Phone Number: 858-677-1423

Fax Number: 858-677-1465

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-12 15:45:28 ET

Serial Number: 85134651 Assignment Information Trademark Document Retrieval

Registration Number: 4068373

Mark

SUNSATIONS

(words only): SUNSATIONS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-12-06

Filing Date: 2010-09-21

Transformed into a National Application: No

Registration Date: 2011-12-06

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-11-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Alliance Packaging Group, Inc.

Address:

Alliance Packaging Group, Inc.
420 Technology Way

Saukville, WI 53080

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Wisconsin

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Sun care products comprising sunscreen lip balm, sunscreen lotions, sunscreen sprays, sunscreen sticks, sunscreen gels; after-sun balms, lotions and gels for use after sun exposure; balms, lotions and gels containing aloe vera for cosmetic purposes

Basis: 1(a)

First Use Date: 2011-09-26

First Use in Commerce Date: 2011-09-26

International Class: 005

Class Status: Active

Balms, lotions and gels containing aloe vera for therapeutic purposes

Basis: 1(a)

First Use Date: 2011-09-26

First Use in Commerce Date: 2011-09-26

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-12-06 - Registered - Principal Register

2011-11-02 - Notice Of Acceptance Of Statement Of Use Mailed

2011-11-01 - Law Office Registration Review Completed

2011-10-31 - Allowed for Registration - Principal Register (SOU accepted)

2011-10-07 - Statement Of Use Processing Complete

2011-10-05 - Use Amendment Filed

2011-10-07 - Case Assigned To Intent To Use Paralegal

2011-10-05 - TEAS Statement of Use Received
2011-05-24 - NOA Mailed - SOU Required From Applicant
2011-03-29 - Published for opposition
2011-03-09 - Notice of publication
2011-02-18 - Law Office Publication Review Completed
2011-02-18 - Examiner's amendment mailed
2011-02-18 - Approved For Pub - Principal Register
2011-02-18 - Examiner's Amendment Entered
2011-02-18 - Examiners Amendment -Written
2011-02-16 - Amendment From Applicant Entered
2011-02-16 - Communication received from applicant
2011-02-11 - Assigned To LIE
2011-02-04 - PAPER RECEIVED
2011-01-11 - Non-final action mailed
2011-01-10 - Non-Final Action Written
2010-12-28 - Assigned To Examiner
2010-09-24 - New Application Office Supplied Data Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Peter T. Holsen

Correspondent

PETER T. HOLSEN

ANDRUS, SCEALES, STARKE & SAWALL, LLP

100 E WISCONSIN AVE STE 1100

MILWAUKEE, WI 53202-4178

Phone Number: 414-271-7590

Fax Number: 414-271-5770

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-12 15:46:08 ET

Serial Number: 85206442 Assignment Information Trademark Document Retrieval

Registration Number: 4025399

Mark

REVERSE IT

(words only): REVERSE IT

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-09-13

Filing Date: 2010-12-28

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2011-09-13

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-09-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MyBody, L.L.C.

Address:

MyBody, L.L.C.

5080 N. 40th Street, Suite 375

Phoenix, AZ 85018

United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Arizona

Phone Number: 6028525500

Fax Number: 6028525499

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Facial cleansers; Skin moisturizer; Sun screen

Basis: 1(a)

First Use Date: 2011-01-28

First Use in Commerce Date: 2011-01-28

International Class: 005

Class Status: Active

Medicinal creams for skin care

Basis: 1(a)

First Use Date: 2011-01-28

First Use in Commerce Date: 2011-01-28

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-09-13 - Registered - Principal Register

2011-06-28 - Official Gazette Publication Confirmation E-Mailed

2011-06-28 - Published for opposition

2011-05-20 - Law Office Publication Review Completed

2011-05-18 - Approved for Pub - Principal Register (Initial exam)

6/12/2012

<http://tarr.uspto.gov/servlet/tarr?regs...>

2011-05-03 - Teas/Email Correspondence Entered
2011-05-03 - Communication received from applicant
2011-04-21 - Assigned To LIE
2011-04-15 - TEAS Response to Office Action Received
2011-03-25 - Notice Of Acceptance Of Amendment To Allege Use E-Mailed
2011-03-24 - Notification Of Non-Final Action E-Mailed
2011-03-24 - Non-final action e-mailed
2011-03-24 - Amendment to Use approved
2011-03-24 - Non-Final Action Written
2011-03-23 - Assigned To Examiner
2011-02-04 - Amendment To Use Processing Complete
2011-02-04 - Use Amendment Filed
2011-02-03 - TEAS Amendment of Use Received
2011-01-05 - New Application Office Supplied Data Entered In Tram
2010-12-31 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michael D. Hool

Correspondent

MICHAEL D. HOOL
HOOL LAW GROUP, PLC
2398 E CAMELBACK RD STE 1020
PHOENIX, AZ 85016-9022
Phone Number: 6028525500
Fax Number: 6028525499

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB H

TO

DECLARATION OF SHERYL DE LUCA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BACH FLOWER REMEDIES LIMITED,)	Attorney Ref.: 5027-97
)	
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Application No. 85/111,156
RICHARDS DISTRIBUTING, INC.)	Trademark SUNBURN RESCUE
)	
Applicant.)	

**OPPOSER'S ANSWERS TO APPLICANT'S FIRST SET OF
INTERROGATORIES (NOS. 1-18)**

Opposer, Bach Flower Remedies Limited, based upon present information, responds as follows to Applicant's First Set of Interrogatories:

I. GENERAL OBJECTIONS

A. Opposer objects to the interrogatories to the extent that they are unduly vague and ambiguous in that no definitions or other instructions were included in Applicant's First Set of Interrogatories.

B. Opposer objects to each interrogatory if and to the extent that the, interrogatory seeks information subject to the attorney-client privilege and/or work product doctrine. Nothing contained in the remainder of this document shall constitute a waiver of this (or any other) general objection. The inadvertent production of any such information shall not be construed as a waiver of any privilege or protection by Opposer.

C. Opposer objects to each interrogatory if and to the extent that it seeks information which is neither relevant to the subject matter of the proceeding

(including, without limitation, information pertaining to activities outside the United States) nor reasonably calculated to lead to the discovery of admissible evidence.

D. Opposer will not disclose any legal conclusion or any other information which involves the disclosure of its attorneys' impressions, conclusions, opinions, legal research, theory or work product, and will provide information and will disclose documents only insofar as each interrogatory conforms to the requirements of applicable law.

E. Opposer objects to each interrogatory if and to the extent that it requires Opposer to provide information, documents or things that are outside of its possession, custody or control.

F. Opposer objects to each interrogatory if and to the extent that it seeks information and/or material that is or contains confidential information prior to the entry of a suitable protective order.

G. Opposer reserves the right to amend or modify its discovery responses at a later date.

H. The foregoing general objections and limitations shall be applicable to and shall be deemed to have been expressly incorporated in the responses to all of the following discovery requests.

INTERROGATORY NO. 1

Describe in detail the classes of purchasers and prospective purchasers that goods or services using the marks RESCUE REMEDY, RESCUE CREAM

and RESCUE, describe in detail all channels of trade in which Bach Flower Remedies offers its goods or services for the marks RESCUE REMEDY, RESCUE CREAM and RESCUE.

RESPONSE

Opposer objects to this interrogatory on the ground that it is vague and incomprehensible as to the phrase "[d]escribe in detail the classes of purchasers and prospective purchasers that goods or services using the marks RESCUE REMEDY, RESCUE CREAM AND RESCUE." Opposer also objects to this interrogatory as unduly burdensome because a full and complete response to this request would be virtually impossible to make. Subject to the foregoing objections and its general objections and to the extent that Opposer understands the interrogatory to mean "[d]escribe in detail the classes of purchasers and prospective purchasers to which Opposer offers goods or services under the marks RESCUE REMEDY, RESCUE CREAM AND RESCUE" in the United States, Opposer states that its purchasers and prospective purchasers include individuals (consumers and practitioners), retailers, wholesalers and other distributors and anyone else in need of or desiring Opposer's goods sold under those marks.

Further, Opposer responds that Opposer's RESCUE REMEDY, RESCUE CREAM and RESCUE products are sold in numerous channels of trade including, but not limited to health food stores (i.e. Whole Foods, Sprouts, Earth Fare), supermarket/grocery stores (i.e. Hannaford, Shaws, Meijer), drug stores (i.e. CVS), clothing retailers (i.e. TJ Maxx), independent pet specialty stores, e-

commerce sites, direct sales and potentially all other normal channels of trade for similar goods and services.

INTERROGATORY NO. 2

Explain or define the meaning of the word "Rescue" as it relates to the Opposer's marks for RESCUE REMEDY, RESCUE CREAM and RESCUE.

RESPONSE

Opposer objects to this interrogatory on the ground that it is unduly vague and ambiguous in seeking information "as it relates to" Opposer's mark and further, in view of the extensive period of use of Opposer's mark it seeks information which is irrelevant to the issues involved in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections and general objections, it is explained that the term "RESCUE REMEDY" was chosen by Dr. Bach in the 1930's for his emergency composite formula and the marks "RESCUE" and "RESCUE CREAM" subsequently evolved from that mark.

INTERROGATORY NO. 3


Provide a list from among the federally registered trademarks contained in the App. Ex. 100-141 of Applicant's Answer to the instant Opposition over whom Opposer does not assert an exclusive right in the marks RESCUE REMEDY, RESCUE CREAM and RESCUE.

meaning of "promotional expenses." Opposer further objects to this interrogatory on the ground that it seeks confidential business information.

Subject to the above objections and its general objections, Opposer will provide relevant information responsive to this interrogatory upon entry of a suitable protective order executed by the parties.

Respectfully submitted,

Bach Flower Remedies Limited

By: 
Name: M.C. DUNNE
Title: DIRECTOR

VERIFICATION

M. C. DUNNE declares: that he is
DIRECTOR of Bach Flower Remedies Limited; that he is properly authorized to execute this document on behalf of Opposer; that he signed the foregoing Opposer's Answers to Applicant's First Set of Interrogatories (Nos. 1-18); that the answers made herein are true to the best of his knowledge and belief based upon the information available to him; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of this document.

Executed at Nassau House London, this 2nd day of
NOVEMBER, 2011.

BACH FLOWER REMEDIES LIMITED

By: [Signature]
Name: M. C. DUNNE
Title: DIRECTOR

As to Objections:

NIXON & VANDERHYE P.C.

Date: October 28, 2011

By: [Signature]
Donna J. Buntorf
Attorney for Applicant
901 North Glebe Road
11th Floor
Arlington, Virginia 22203
(703)816-4000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB I

TO

DECLARATION OF SHERYL DE LUCA

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-21 11:35:30 ET

Serial Number: 75320219 Assignment Information Trademark Document Retrieval

Registration Number: 2517685

Mark (words only): RESCUE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2012-02-10

Filing Date: 1997-07-07

Transformed into a National Application: No

Registration Date: 2001-12-11

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2012-02-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Bach Flower Remedies Lintied

Address:

Bach Flower Remedies Lintied
83 Parkside Nelsons House
Wimbledon, London SW195LP
United Kingdom

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: United Kingdom

Phone Number: 703-816-4003

Fax Number: 703-816-4100

GOODS AND/OR SERVICES

International Class: 005**Class Status: Active**

homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress

Basis: 1(a)

First Use Date: 2001-01-15

First Use in Commerce Date: 2001-01-15

International Class: 030**Class Status: Active**

herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers

Basis: 1(a)

First Use Date: 2001-01-15

First Use in Commerce Date: 2001-01-15

ADDITIONAL INFORMATION

Prior Registration Number(s):

1237564

1822260

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-02-13 - Notice Of Acceptance Of Sec. 8 & 9 - Mailed

2012-02-10 - Notice Of Acceptance Of Sec. 8 & 9 - E-Mailed

2012-02-10 - First renewal 10 year

2012-02-10 - Section 8 (10-year) accepted/ Section 9 granted

2011-10-25 - Combined Section 8 (10-year)/Section 9 filed

2011-10-25 - PAPER RECEIVED

2011-10-24 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-10-24 - TEAS Change Of Owner Address Received

2010-08-25 - Counter claim opp. for Proceeding No.

2007-03-29 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-03-29 - Assigned To Paralegal

2007-03-02 - Section 8 (6-year) and Section 15 Filed
2007-03-02 - PAPER RECEIVED
2007-01-26 - TEAS Change Of Correspondence Received
2007-01-08 - Case File In TICRS
2001-12-11 - Registered - Principal Register
2001-07-25 - Allowed for Registration - Principal Register (SOU accepted)
2001-06-25 - Statement Of Use Processing Complete
2001-06-12 - Use Amendment Filed
2001-03-08 - Extension 5 granted
2001-01-29 - Extension 5 filed
2000-09-29 - Extension 4 granted
2000-08-04 - Extension 4 filed
2000-01-21 - Extension 3 granted
2000-01-21 - Extension 3 filed
1999-08-30 - Extension 2 granted
1999-08-02 - Extension 2 filed
1999-03-12 - Extension 1 granted
1999-02-04 - Extension 1 filed
1998-08-04 - NOA Mailed - SOU Required From Applicant
1998-05-12 - Published for opposition
1998-04-10 - Notice of publication
1998-02-10 - Approved For Pub - Principal Register
1998-02-05 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
DONNA J BUNTON

Correspondent

6/21/2012

<http://tarr.uspto.gov/servlet/tarr?regs...>

DONNA J. BUNTON
NIXON & VANDERHYE
901 N. GLEBE ROAD
11TH FLOOR
ARLINGTON, VA 22203-1808
Phone Number: 703-816-4003
Fax Number: 703-816-4100

Domestic Representative
NIXON & VANDERHYE PC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB J

TO

DECLARATION OF SHERYL DE LUCA

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-21 11:36:00 ET

Serial Number: 78588767 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3147761

Mark

RESCUE CREAM

(words only): RESCUE CREAM

Standard Character claim: Yes

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2011-10-13

Filing Date: 2005-03-16

Transformed into a National Application: No

Registration Date: 2006-09-26

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L30 -TMEG Law Office 103

Date In Location: 2011-10-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Bach Flower Remedies Limited

Address:

Bach Flower Remedies Limited
83 Parkside Nelsons House
Wimbledon, London SW195LP

United Kingdom

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: United Kingdom

Phone Number: 703-816-4003

Fax Number: 703-816-4100

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

PREPARATIONS MADE FROM FLOWER EXTRACTS IN THE FORM OF CREAMS FOR USE IN TREATING EMOTIONAL AND PSYCHOLOGICAL CONDITIONS

Basis: 1(a)

First Use Date: 1995-08-00

First Use in Commerce Date: 1995-08-00

ADDITIONAL INFORMATION

Disclaimer: CREAM

Prior Registration Number(s):

1237564

1822260

2517685

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-10-13 - Notice Of Acceptance Of Sec. 8 & 15 - E-Mailed

2011-10-13 - Section 8 (6-year) accepted & Section 15 acknowledged

2011-10-13 - Case Assigned To Post Registration Paralegal

2011-09-26 - TEAS Section 8 & 15 Received

2011-09-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-09-26 - TEAS Change Of Owner Address Received

2006-12-28 - Undeliverable Mail - Courtesy Copy Mailed

2006-11-07 - TEAS Change Of Correspondence Received

2006-09-26 - Registered - Principal Register
2006-07-04 - Published for opposition
2006-06-14 - Notice of publication
2006-05-18 - Law Office Publication Review Completed
2006-05-12 - Assigned To LIE
2006-05-08 - Approved for Pub - Principal Register (Initial exam)
2006-03-21 - Amendment From Applicant Entered
2006-02-21 - Communication received from applicant
2006-02-21 - PAPER RECEIVED
2005-10-12 - Non-final action e-mailed
2005-10-12 - Non-Final Action Written
2005-10-05 - Assigned To Examiner
2005-03-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Donna J. Bunton

Correspondent

Donna J. Bunton
NIXON & VANDERHYE
901 N. GLEBE ROAD
11TH FLOOR
ARLINGTON VA 22203
Phone Number: 703-816-4003
Fax Number: 703-816-4100

Domestic Representative

Donna J. Bunton
Phone Number: 703-816-4003
Fax Number: 703-816-4100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB K

TO

DECLARATION OF SHERYL DE LUCA

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-21 11:36:27 ET

Serial Number: 77485289 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

RESCUE

(words only): RESCUE

Standard Character claim: Yes

Current Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: 2012-03-26

Filing Date: 2008-05-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 103

Attorney Assigned:
HAYES GINA CLARK

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-08-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Bach Flower Remedies Limited

Address:
Bach Flower Remedies Limited
Nelsons House 83 Parkside
Wimbledon, London

United Kingdom

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: United Kingdom

Phone Number: 703-816-4003

Fax Number: 703-816-4100

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

SKIN CREAMS AND SKIN MOISTURIZERS, SKIN CLEANSERS AND SKIN TONERS; LIP BALMS; COSMETIC PREPARATIONS CONTAINING FLOWER REMEDIES AND PREPARED FROM PLANTS AND FLOWERS

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 005

Class Status: Active

HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MEDICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 030

Class Status: Active

HERBAL BEVERAGES, TISANES AND HERBAL INFUSIONS; HERBAL BEVERAGES AND TEAS FOR FOOD USE; FLAVOURINGS SYRUP AND FLAVOURING ADDITIVES FOR NON-NUTRITIONAL PURPOSES FOR USE AS A FLAVOURING FOR BEVERAGES; CONFECTIONERY, NAMELY, SWEETS, GUM SWEETS, CANDY GELS, GEL CANDY FILLED WITH LIQUID CENTERS; CANDY AND CHEWING GUM; HERBAL FOOD BEVERAGE CONCENTRATE MADE FROM ESSENCES; NOT BEING IN THE NATURE OF ESSENTIAL OILS EXTRACTED FROM PLANTS AND FLOWERS; PREPARATIONS FROM PLANTS AND FLOWERS AND OTHER NATURAL INGREDIENTS FOR USE IN MAKING BEVERAGES, NAMELY, TEA AND COFFEE

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 032

Class Status: Active

MINERAL AND SPRING WATER; ENERGY DRINKS; HERBAL SOFT DRINKS, HERBAL FRUIT DRINKS, HERBAL DRINKING WATER, HERBAL FRUIT AND BEVERAGE JUICES; NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES, BEVERAGES CONTAINING FRUIT OR VEGETABLE JUICES, BEVERAGES WITH TEA OR COFFEE FLAVOUR, ENERGY DRINKS, SODA WATER PREPARED FROM AND INFUSED WITH PLANTS, FLOWERS AND HERBS, PREPARATIONS FOR MAKING NON-ALCOHOLIC BEVERAGES, NAMELY, FRUIT OR VEGETABLE DRINKS, ENERGY

DRINKS, TEA, COFFEE, LEMONADE, GINGER BEERS, FRUIT OR VEGETABLE JUICES, FRUIT OR VEGETABLE NECTARS, SODA WATER; PREPARATIONS FROM PLANTS AND FLOWERS AND OTHER NATURAL INGREDIENTS FOR USE IN MAKING BEVERAGES, NAMELY, FRUIT AND VEGETABLE DRINKS, ENERGY DRINKS, LEMONADES, GINGER BEERS, FRUIT AND VEGETABLE JUICES, FRUIT AND VEGETABLE NECTARS, SODA WATERS, MINERAL AND SPRING WATERS

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 033

Class Status: Active

ALCOHOLIC DRINKS CONTAINING FLOWER REMEDIES AND PREPARED FROM EXTRACTS OF PLANTS AND FLOWERS, TONIC DRINKS

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1822260

2517685

3147761

Foreign Application Number: 2473704

Foreign Registration Number: 6473755

Foreign Registration Date: 2008-04-12

Country: United Kingdom

Foreign Filing Date: 2007-11-29

Foreign Expiration Date: 2017-11-29

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-01 - Opposition terminated for Proceeding

2012-05-01 - Opposition dismissed for Proceeding

2012-03-26 - Opposition instituted for Proceeding

2012-01-26 - Opposition instituted for Proceeding

2011-10-20 - Extension Of Time To Oppose Received

2011-09-27 - Official Gazette Publication Confirmation E-Mailed

2011-09-27 - Published for opposition

2011-08-23 - Law Office Publication Review Completed

2011-08-18 - Approved for Pub - Principal Register (Initial exam)

2011-08-18 - Examiner's Amendment Entered

2011-08-18 - Notification Of Examiners Amendment E-Mailed

2011-08-18 - EXAMINERS AMENDMENT E-MAILED

2011-08-18 - Examiners Amendment -Written

2011-08-16 - Previous Allowance Count Withdrawn

2011-07-29 - Withdrawn From Pub - Og Review Query

2011-07-21 - Law Office Publication Review Completed

2011-07-19 - Approved for Pub - Principal Register (Initial exam)

2011-07-18 - Examiner's Amendment Entered

2011-07-18 - Notification Of Examiners Amendment E-Mailed

2011-07-18 - EXAMINERS AMENDMENT E-MAILED

2011-07-18 - Examiners Amendment -Written

2011-06-24 - Notification Of Letter Of Suspension E-Mailed

2011-06-24 - LETTER OF SUSPENSION E-MAILED

2011-06-24 - Suspension Letter Written

2011-06-03 - Teas/Email Correspondence Entered

2011-06-03 - Communication received from applicant

2011-05-23 - TEAS Response To Suspension Inquiry Received

2011-03-15 - Notification Of Letter Of Suspension E-Mailed

2011-03-15 - LETTER OF SUSPENSION E-MAILED

2011-03-15 - Suspension Letter Written

2011-03-14 - Divisional processing completed

2011-02-17 - Divisional request received

2011-03-09 - Case Assigned To Intent To Use Paralegal

2011-02-17 - TEAS Request To Divide Received
2010-09-22 - Report Completed Suspension Check Case Still Suspended
2010-09-22 - Assigned To LIE
2010-03-17 - Report Completed Suspension Check Case Still Suspended
2009-09-16 - Report Completed Suspension Check Case Still Suspended
2009-03-13 - Notification Of Letter Of Suspension E-Mailed
2009-03-13 - LETTER OF SUSPENSION E-MAILED
2009-03-13 - Suspension Letter Written
2009-03-13 - Amendment From Applicant Entered
2009-03-13 - Communication received from applicant
2009-03-10 - PAPER RECEIVED
2009-03-11 - Assigned To LIE
2008-09-10 - Notification Of Non-Final Action E-Mailed
2008-09-10 - Non-final action e-mailed
2008-09-10 - Non-Final Action Written
2008-09-10 - Assigned To Examiner
2008-06-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Donna J. Bunton

Correspondent

DONNA J BUNTON
NIXON VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON, VA 22203 1853
Phone Number: 703-816-4003
Fax Number: 703-816-4100

Domestic Representative

Donna J. Bunton
Phone Number: 703-816-4003
Fax Number: 703-816-4100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB L

TO

DECLARATION OF SHERYL DE LUCA

To: Richards Distributing, Inc. (jameswray@jcwray.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85111156 - SUNBURN RESCUE
- N/A
Sent: 12/9/2010 9:13:50 AM
Sent As: ECOM107@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85111156

MARK: SUNBURN RESCUE

85111156

CORRESPONDENT ADDRESS:

JAMES C. WRAY
JAMES C. WRAY
1493 CHAIN BRIDGE RD STE 300
MC LEAN, VA 22101-5726

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Richards Distributing, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:** N/A

CORRESPONDENT E-MAIL ADDRESS:
jameswray@jcwray.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 12/9/2010

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by James Wray on 12/8/10, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707.

Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

DISCLAIMER

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "SUNBURN" apart from the mark as shown.

15 U.S.C. §1056; TMEP §§1213, 1213.03(a) and 1213.08(a)(i).

/Michelle E. Dubois/
Michelle E. Dubois
Trademark Attorney
U.S. Patent & Trademark Office
Law Office 107
(571) 272-5887

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

To: Richards Distributing, Inc. (jameswray@jcwrap.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85111156 - SUNBURN RESCUE
- N/A
Sent: 12/9/2010 9:13:53 AM
Sent As: ECOM107@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 12/9/2010 FOR
SERIAL NO. 85111156**

Please follow the instructions below:

TO READ OFFICE LETTER: Click on this [link](http://portal.uspto.gov/external/portal/tow) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office letter

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

HELP: For *technical* assistance in accessing the Office correspondence, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office letter.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bach Flower Remedies Limited,)	
)	Atty. Ref.: DJB/5027-97
Opposer,)	
)	
v.)	Opposition No. 91200168
)	Serial No.: 85/111,156
Absolutely Natural, Inc., by name change)	
from Richards Distributing, Inc.)	
)	
Applicant.)	

TAB M

TO

DECLARATION OF SHERYL DE LUCA

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-20 11:57:39 ET

Serial Number: 78355019 Assignment Information Trademark Document Retrieval

Registration Number: 2917536

Mark

A LOTIONAL RESCUE

(words only): A LOTIONAL RESCUE

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2005-01-11

Filing Date: 2004-01-21

Transformed into a National Application: No

Registration Date: 2005-01-11

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-01-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lavender Meadows

Composed Of:

Bonnie Mioduchoski, USA

Address:

Lavender Meadows
P. O. Box 750835
Petaluma, CA 94975
United States

Legal Entity Type: Sole Proprietorship

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

moisturizing lotion

Basis: 1(a)

First Use Date: 2004-01-07

First Use in Commerce Date: 2004-01-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-01-12 - TEAS Change Of Correspondence Received

2005-01-11 - Registered - Principal Register

2004-10-19 - Published for opposition

2004-09-29 - Notice of publication

2004-08-25 - Law Office Publication Review Completed

2004-08-23 - Assigned To LIE

2004-08-12 - Approved for Pub - Principal Register (Initial exam)

2004-08-11 - Assigned To Examiner

2004-02-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Correspondent

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Santa Rosa CA 95402

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Fax Number: (707) 524-1906
